



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application No. 10/699,726)
Filed: November 3, 2003)
Applicants: Thomas SCHWEGLE et al.)
Title: AQUEOUS COMPOSITION)
USEFUL FOR STABILIZING)
AND TEXTURIZING DAIRY)
PRODUCTS AND PROCESS)
FOR PREPARING THE SAME)
Art Unit: 1761)
Examiner: Leslie A. WONG)
Attorney Docket: 1410/79559)
Customer No.: 48940)

Confirmation No. 3543

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

10/26/2005

Date

Richard A. Kaba
Registration No. 30,562
Attorney for Applicant(s)

Mail Stop AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER

Sir:

Kraft Foods R&D, Inc., a Company with a place of business at Unterbiberger Strasse 15, Munchen, Germany, D-81705, through its attorneys, represents that it is the assignee of the entire right, title and interest in and to the above-identified United States Application No. 10/699,726. Applicants further represent through their attorneys that Kraft Foods R&D, Inc. is also the assignee of

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Application No. 10/699,726
TERMINAL DISCLAIMER dated October 26, 2005
Reply to Office Action of August 29, 2005

the entire right, title and interest in and to U.S. Patent No. 6,793,954 in the name of Thomas Schwegle et al.

Kraft Foods R&D, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, of U.S. Patent No. 6,793,954. Kraft Foods R&D, Inc. hereby agrees that any patent so granted on the instant application, Application No. 10/699,726 shall be enforceable only for and during such period that it and U.S. Patent No. 6,793,954 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Kraft Foods R&D, Inc. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,793,954 as shortened by any terminal disclaimer filed prior to the patent grant, in the event that U.S. Patent No. 6,793,954: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

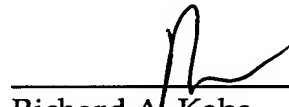
The Commissioner is hereby authorized to charge Deposit Account No. 06-1135 in the amount of \$130.00 to cover the fee set forth in 37 C.F.R. § 1.20(d). A duplicate copy of this disclaimer is enclosed.

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The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

Dated: October 26, 2005



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